

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver of Heritage
Community Bank,

Plaintiff,

v.

JOHN M. SAPHIR; PATRICK G. FANNING;
STEPHEN L. FAYDASH; WILLIAM E. HETLER;
THOMAS JELINEK; LORI A MOSELEY;
STEPHEN ANTHONY; JERRY C. BRUCKER;
JAMES K. CHAMPION; ANDREW B. NATHAN
and MARY C. MILLS,

Defendants.

Case No. 10 C 7009

Judge Pallmeyer

**MOTION FOR 14 DAY EXTENSION OF TIME TO FILE
REPLY BRIEFS IN SUPPORT OF DEFENDANTS' MOTIONS TO DISMISS**

Defendant John M. Saphir, on behalf of all Defendants, hereby requests that this Court grant Defendants a fourteen (14) day extension of time to file reply briefs in support of their pending motions to dismiss. The grounds supporting this motion are set forth below.

1. Each of the eleven Defendants in this matter has moved to dismiss Plaintiff's Complaint. Counsel for the Defendants have coordinated the briefing on the motions to minimize repetition and conserve resources.

2. Pursuant to the current briefing schedule, Defendants' reply briefs are due on April 15, 2011.

3. Defendant Saphir hereby requests that this Court grant all Defendants an additional fourteen (14) days, or until April 29, 2011, to file their reply briefs in support of their motions to dismiss.

4. Additional time is necessary because the parties have recently spent extensive time and effort attempting to settle the case. On April 13, 2011, the parties participated in a full-day settlement conference with Magistrate Judge Keyes. The settlement conference was scheduled after the current briefing schedule had been set.

5. Given the time spent on the recent settlement negotiations, defense counsel require the additional time requested herein to complete the reply briefs on the motions to dismiss. Defendants need the additional time to ensure that the briefing is efficient and avoids repetition.

6. Granting Defendants an additional fourteen days to file their reply briefs will not prejudice Plaintiff or cause an undue delay of this proceeding. Discovery has already commenced and the parties continue to work towards resolving the case.

7. This motion is brought in the interests of justice and not for any improper purpose such as delay.

8. On April 11, 2011, counsel for Plaintiff informed Saphir's counsel that she agreed to a two-week extension of time, subject to confirmation with her client. At the close of the settlement conference after the close of business on April 13, 2011, Plaintiff's counsel informed Saphir's counsel that Plaintiff would not agree to this motion.

WHEREFORE, Defendant John M. Saphir, with the consent of and on behalf of all Defendants, requests that the Court grant the Defendants an additional fourteen (14)

days to file their reply briefs in support of their motions to dismiss to and including April 29, 2011.

Respectfully submitted,

/s/Nancy A. Temple

John M. George, Jr.

Nancy A. Temple

Katten & Temple LLP

542 S. Dearborn St., Suite 1060

Chicago, IL 60605

(312) 663-0800

(312) 663-0900 (fax)

Counsel for Defendant John Saphir